

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG. PHILIPS LCD CO. LTD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-292-JJF
	:	
TATUNG COMPANY, TATUNG COMPANY	:	
OF AMERICA, INC., CHUNGWHA	:	
PICTURE TUBES LTD., and	:	
VIEWSONIC CORP.,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

Pending before the Court is Defendants' Motion To Strike Plaintiff L.G. Philips LCD Co., LTD's Response Brief In Support Of Its Proposed Claim Constructions And The Accompanying Declarations Of Scott H. Holmberg And William K. Bohannon (D.I. 149). Defendants contend that the Court should strike Plaintiff's Response Brief (D.I. 143) and the accompanying Declarations because the Response Brief exceeds the twenty page limit prescribed by District of Delaware Local Rule 7.1.3(c)(2) and because Plaintiff made new arguments in its Response Brief that it should have made in its Opening Brief.

The Court will deny Defendants' Motion for two reasons. First, Defendants are not prejudiced by the excessive length of Plaintiff's Response Brief. After Defendants filed their Motion, Plaintiff filed a Notice Of Voluntary Withdrawal Of Claims Relating To U.S. Patent No. 6,738,121 (D.I. 180). In the Court's

view, the withdrawal rendered moot everything in Plaintiff's Response Brief beyond page twenty.

Second, Defendants have had an opportunity to respond to any new arguments in Plaintiff's Response Brief and the accompanying Declarations. Following the Markman hearing, the Court issued an Order, dated March 22, 2006 (D.I. 155), in which it ordered the parties to reduce the number of claim terms and phrases they requested the Court to construe. That Order also allowed the parties to refine their existing claim construction arguments. In response, Defendants submitted two letters. The first (D.I. 160) identified the terms and phrases they requested the Court to construe and provided further argument on those terms and phrases. The second (D.I. 164) responded to Plaintiff's arguments on the terms and phrases Plaintiff requested the Court to construe.

NOW THEREFORE, IT IS HEREBY ORDERED that Defendants' Motion To Strike Plaintiff L.G. Philips LCD Co., LTD's Response Brief In Support Of Its Proposed Claim Constructions And The Accompanying Declarations Of Scott H. Holmberg And William K. Bohannon (D.I. 149) is DENIED.

May 11, 2006
DATE


UNITED STATES DISTRICT JUDGE